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April 27, 2016

**BY CM/ECF**

Mark J. Langer, Clerk  
United States Court of Appeals  
for the District of Columbia Circuit  
United States Courthouse, Room 5523  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001

**Re: *EarthReports, Inc. v. FERC*, No. 15-1127 — Argued April 19, 2016**

Dear Mr. Langer:

We write in response to (and agreement with) the Federal Energy Regulatory Commission's letter regarding the Department of Energy's April 18, 2016 opinion and order denying rehearing in *Dominion Cove Point LNG, LP*, DOE/FE Order No. 3331-B in FE Docket No. 11-128-LNG. The rehearing order expands on and reaffirms DOE's previous orders authorizing liquefied natural gas export from the Cove Point LNG terminal to non-free-trade-agreement nations. *See Dominion Cove Point LNG, LP*, DOE/FE Order No. 3331 (Sept. 11, 2013) and 3331-A (May 7, 2015).

As FERC notes, the rehearing order satisfies DOE's independent obligation to take a "hard look" at the environmental impacts of natural-gas exports. The rehearing order also belies EarthReports's suggestion (Tr. 7) that DOE merely adopted FERC's environmental assessment as its own without further analysis. Although DOE did adopt the FERC-led assessment (Reh'g Order 16), it *also* independently analyzed and rejected each of EarthReports's claims regarding upstream and downstream impacts in concluding that LNG exports from the Cove Point Terminal are not inconsistent with the public interest. Reh'g Order 7-23, 23-25, 29-41.

In particular, the rehearing order:

- Explained why induced natural gas production is not a foreseeable or predictable result of LNG exports generally or the Liquefaction Project specifically, and why attempting to quantify the air, water, and land impacts from nontraditional gas production would not be informative. Reh'g Order 17-23.
- Detailed DOE's efforts to "take[] all reasonable steps to ensure that its public interest review was informed by a consideration of the general environmental impacts of natural gas production," including the Department's Addendum on the environmental impacts of nontraditional natural gas production. Reh'g Order 7-8, 23-25.
- Discussed and defended the DOE's analysis of the greenhouse-gas and climate impacts of natural-gas production and use, including in DOE's Life Cycle Greenhouse Gas Report. Reh'g Order 7-8, 29-41.

EarthReports undoubtedly disagrees with DOE's reasoning, but its arguments were fully considered. Furthermore, if DOE's analysis is to be appealed anywhere, it is in a petition for review from the DOE rehearing order—not this case. *See* FERC Br. 25, 55-57; Dominion Br. 17.

Respectfully submitted,

/s/ Catherine E. Stetson

J. Patrick Nevins

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Sean Marotta

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Cove Point LNG, LP*

cc: All counsel of record (via CM/ECF)